United Nations S/AC.49/2018/69

Security Council

Distr.: General
10 April 2018

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 April 2018 from the Permanent Mission of Austria to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith Austria's report on the implementation of Security Council resolution 2371 (2017) in accordance with paragraph 18 of that resolution (see annex).

18-05769 (E) 240418

Please recycle

Annex to the note verbale dated 9 April 2018 from the Permanent Mission of Austria to the United Nations addressed to the Chair of the Committee

Report of Austria on the implementation of Security Council resolution 2371 (2017)

1. Pursuant to paragraph 18 of Security Council resolution 2371 (2017), the Permanent Mission of Austria to the United Nations has the honour to inform the Security Council Committee established pursuant to resolution 1718 (2006) of the steps taken by the Government of Austria to implement the measures imposed in resolution 2371 (2017).

2. Austria and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2371 (2017) through the following common measures:[1]

(a) Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea,[2] which gives effect to Council Implementing Decision (CFSP) 2017/1459;

(c) Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the additional sectoral, financial as well as transportation-related prohibitions contained in resolution 2371 (2017), including by:

(i) Prohibiting the entry into member States' ports of vessels designated by the Committee pursuant to paragraph 6 of resolution 2371 (2017) except in case of emergency or in case of return to the port of origination, or unless approved in advance on a case-by-case basis by the Committee;

(ii) Prohibiting the procurement of coal, iron and iron ore from the Democratic People's Republic of Korea, unless the conditions set out in paragraph 8 of resolution 2371 (2017) are met;

(iii) Prohibiting the procurement of seafood from the Democratic People's Republic of Korea;

(iv) Prohibiting the procurement of lead and lead ore from the Democratic People's Republic of Korea;

(v) Prohibiting member States from exceeding, on any date after 5 August 2017, the total number of work authorizations for nationals of the Democratic People's Republic of Korea provided in the jurisdictions of member States and

[1] All common measures are published in the *Official Journal of the European Union*.

[2] Commission Implementing Regulation (EU) 2017/1457 is no longer in force, as it has been integrated into Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007.

valid on 5 August 2017, unless approved in advance on a case-by-case basis by the Committee;

(vi) Prohibiting the opening of new joint ventures or the expansion of existing joint ventures, unless approved in advance on a case-by-case basis by the Committee;

(d) Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2017/1562.

3. The above-mentioned Council regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. Penalties for violations of directly applicable European Union law are set out in the respective sections of the relevant Austrian legislation mentioned in paragraph 4 below. Non-compliance may constitute a criminal offence punishable by up to five years of imprisonment or by a fine of up to 360 times the applicable daily rate (e.g., in the case of the Foreign Trade Act).

4. In addition to the common European Union measures, within the scope of Austria's national implementation competence, the Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council:

(a) Sanctions Act 2010 (Federal Law Gazette I No. 36/2010, as amended);

(b) Foreign Trade Act (Federal Law Gazette I No. 26/2011, as amended), supplemented by the First Foreign Trade Regulation (Federal Law Gazette II No. 343/2011, as amended) and the Third Foreign Trade Regulation (Federal Law Gazette II No. 6/2015, as amended);

(c) War Materials Act (Federal Law Gazette I No. 57/2001, as amended) and War Materials Regulation (Federal Law Gazette. No. 624/1977);

(d) Foreign Exchange Act (Federal Law Gazette I No. 123/2003, as amended);

(e) Banking Act (Federal Law Gazette No. 532/1993, as amended).

5. As regards restrictions on admission (travel ban), Austria has enacted the following national legislation, which, together with Council Decision (CFSP) 2016/849 (as amended) and Regulation (EC) No. 539/2001, provides the basis for the refusal of admission and the denial of requests for visas:

(a) Aliens Police Act 2005 (Federal Law Gazette I No. 100/2005, as amended);

(b) Settlement and Residence Act (Federal Law Gazette I No. 100/2005, as amended).

The above-mentioned regulations require nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. The travel restrictions are implemented through the visa application process.

6. According to the competent national authorities, the implementation of the imposed measures does not currently pose any particular difficulty. The competent national authorities continue to exercise enhanced vigilance over the very limited bilateral import/export activities and continue to conduct outreach activities aimed at relevant trade and industry sectors to increase awareness of trade patterns and

activities of entities of the Democratic People's Republic of Korea and to provide information about changes in the sanctions regime.

7. The Government of Austria is fully committed to maintaining its high level of implementation and to keeping the measures taken under review, as necessary.